

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

UMOJA ERECTORS, LLC	:	
Plaintiff,	:	C. A. NO.: 2-20 CV 05046
	:	
v.	:	
	:	
D.A. NOLT, Inc.	:	
Defendant.	:	

UNCONTESTED FACTS

1. In or about 2012, the City publicly announced its decision to relocate the police headquarters from its location at 750 Race Street, Philadelphia, PA 19106.

2. On or about March 8, 2012, Mayor Michael Nutter announced a plan to relocate the police headquarters to a building located at 4601 Market Street in Philadelphia, PA (“Property”) after renovations to the building were complete.

3. Once renovations were complete, the Property would be known as the Public Safety Services Campus (the “PSSC”).

4. The PSSC would house the police headquarters, medical examiner’s office and morgue, and the laboratory services for the Department of Public Health.

5. To complete the renovation work on the Property, the City divided the necessary work into three (3) phases.

6. Phase I primarily involved demolition, electrical and asbestos abatement. Phase II, hereinafter referred to as “Phase II” or “the Project,” involved the restoration of the building exterior façade including masonry work, window replacement, door replacement, some asbestos abatement in connection with existing windows, installation of structural steel, and replacement

of most of the roofing, in addition to certain plumbing work such as the installation of roof drains and related piping.

7. On August 18, 2015, the City awarded D.A. Nolt, Inc. (“Nolt”) the general construction prime contract in the amount of \$13,473,817.02 (the “Contract”).

8. Nolt entered into a subcontract with Umoja Erectors, LLC for the Project to provide “all labor, materials and equipment required for the supply, fabrication, erection, layout, coordination, and installation of all the steel, framing, screen wall, bracing, ladders, grating/stairs, fall protection anchors, and all related miscellaneous components and hardware required for the installation of complete systems.”

9. Line 57 of Nolt’s schedule of values was for steel work and had a value of \$507,443.

10. As of February 2017, Nolt received the following payments from the City for base contract steel work.

CITY/PMA Billing and Payment History:

<u>AFP #</u>	<u>Month</u>	<u>Billing Amount</u>	<u>Amount Paid* (less retainage)</u>	<u>Date Paid</u>
10	July	\$20,297.72	\$19,282.83	8/23/16
11	August	\$30,446.58	\$28,924.25	10/28/16
12	September	\$50,736.30	\$48,199.49	10/28/16
13	October	\$76,124.45	\$72,318.28	12/16/16
14	November	\$177,605.05	\$168,724.80	1/31/17
15	December	\$101,488.60	\$96,414.17	1/31/17

*approximate due to rounding

11. As of February 9, 2017, Nolt issued the following payments for steel work:

UMOJA Billing and Payment History:

<u>Invoice</u>	<u>Invoice Date</u>	<u>Amount</u>	<u>Amount Paid</u>	<u>Date Paid</u>	<u>Notes/Comments</u>
540	10/1/16	\$8,150.20	\$8,150.20	11/18/16	
541	10/26/16	\$48,183.00	\$48,183.00	11/18/16	
542	11/8/16	\$29,606	\$29,606	12/14/16	
543	11/17/16	\$36,580	\$36,580	12/14/16	
544	11/22/16	\$33,080	\$33,080	12/21/16	
545	11/7/16	\$6,836.03	\$6,494.23	1/25/17	\$341.80 retainage held
546	11/25/16	\$37,898.64	\$37,898.64	1/25/17	
549	12/2/16	\$41,126.56	\$41,126.56	1/25/17	
550	12/11/16	\$36,515.28	\$36,515.28*	2/9/17	*Paid to Escrow Account
551	12/16/16	\$31,104	\$31,104*	2/9/17	*Paid to Escrow Account
AFP #1	12/29/16	\$151,002	\$151,002*	2/9/17	* \$9,262.50 to Umoja \$66,238.50 to Umoja/RCC \$75,501 to Escrow Account
552	12/23/16	\$20,083.20	\$20,083.20*	2/9/17	*Paid to Escrow Account
553	12/30/16	\$15,243.20	\$15,243.20*	2/9/17	*Paid to Escrow Account

12. Nolt received payment of its contract balance in August 2022.

13. In January 2023, Nolt issued a check to Umoja in the amount of \$26,375.52.

14. Umoja submitted timely applications (invoices #550-571) for payment for steel erection to D.A. Nolt.

15. Umoja completed the steel erection for the PSSC project by March 21, 2017, which was accepted by March 31, 2017.

16. D.A. Nolt withheld retainage of \$341.80 from Umoja Erectors, LLC.

LAW & ASSOCIATES, LLC.

BY: /s/ Tsiwen Law
Tsiwen M. Law, Esquire
Counsel for the Plaintiff
Umoja Erectors, LLC
January 26, 2023

COHEN SEGLIAS PALLAS
GREENHALL & FURMAN, P.C.
By: /s/ Jennifer Budd
Jennifer Budd, Esquire
Counsel for Defendant
D.A. Nolt, Inc.
January 26, 2023